

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No 2741

This document relates to:

Engilis v. Monsanto Co.,
Case No. 19-cv-7859-VC

Case No. 16-md-02741-VC

**ORDER ON MONSANTO'S MOTIONS
TO EXCLUDE EXPERT TESTIMONY
AND SETTING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. Nos. 25, 26, 27, 29, 30

1. Monsanto's renewed motions to exclude the testimony of Dr. Benbrook, Dr. Sawyer, Dr. Portier, Dr. Ritz, Dr. Weisenburger, and Dr. Jameson are denied, subject to the limitations imposed on these experts in earlier rulings.
2. Monsanto's motion to exclude the testimony of Dr. Schneider is granted. As a Missouri court held in another Roundup case, Dr. Schneider cannot base his opinions "on results he found on Google and what Plaintiffs' lawyers gave to him" because that "is not a reliable method upon which to form an opinion." *Ferro v. Monsanto*, Cause No. 20SL-CC03678, *Order Regarding Parties' Motions to Exclude Experts*, at 6–7 (Mo. Cir. Ct. Oct. 13, 2022).
3. Regarding Dr. Charles and Dr. Gagnier, after reading their reports, excerpts of their testimony, and the parties' briefs, the Court is skeptical that their opinions are reliable enough to present to a jury. If Engilis wishes to use these witnesses at trial, *Daubert* hearings must be scheduled for this summer. A case management conference is scheduled for Thursday, June 8 at 1:00 p.m. over Zoom to discuss

how to proceed. It appears that Dr. Charles is the only remaining expert witness Engilis noticed on the issue of specific causation. If that's correct, then withdrawal of Dr. Charles's testimony (or exclusion of his testimony following a *Daubert* hearing) would result in summary judgment being entered for Monsanto in this case. On the other hand, if Engilis has another specific causation expert, withdrawal or exclusion of Dr. Charles's testimony would presumably result in a prompt remand of the case for trial.

IT IS SO ORDERED.

Dated: June 1, 2023



VINCE CHHABRIA
United States District Judge